

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Dale Allen Lindsey,

Case No. 23-CV-3299 (KMM/JFD)

Plaintiff,

v.

ORDER

Jodi Harpstead, Nicole Broder, John
Barry, Keire Ovsak, Tanya Eiffer, and
Krista Gilpin,

Defendants.

The above matter comes before the Court upon the Report and Recommendation (R&R) of United States Magistrate Judge John F. Docherty, dated July 12, 2024. ECF 40. Judge Docherty recommends the dismissal of official-capacity claims against certain state officials, but would allow certain individual-capacity claims to proceed. *See id.* Plaintiff Dale Lindsey has filed a response indicating he does not object to these recommendations. ECF 42.

The Court reviews de novo any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). In the absence of objections, the Court reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b) and *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Based on the Court's careful review of

the R&R and the record in this case, the Magistrate Judge committed no error, clear or otherwise, and the R&R is accepted in full.

IT IS HEREBY ORDERED that:

1. Defendant's Motion to Dismiss (ECF 21) is **GRANTED**; and
2. Plaintiff's Causes of Action for monetary damages under 42 U.S.C. § 1983 against Defendants sued in their official capacities are

DISMISSED WITHOUT PREJUDICE.

Date: **August 20, 2024**

s/ Katherine M. Menendez
Katherine M. Menendez
United States District Judge